

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GHAZALEH SHOKOUHAGHAEI,
et al.,

Plaintiffs,

v.

MERRICK GARLAND, et al.,

Defendants.

CASE NO. C23-1741JLR

ORDER

Before the court is Defendants' motion to dismiss Plaintiffs Ghazaleh Shokouhaghahi and Missagh Domirani's (together, "Plaintiffs") complaint for a writ of mandamus and for declaratory and injunctive relief. (Mot. (Dkt. # 7).) Plaintiffs allege that Defendants have unreasonably delayed completing the administrative processing of Mr. Domirani's application for an F-2 nonimmigrant visa. (*See generally* Compl. (Dkt. # 1).) They ask the court to "[o]rder Defendants and those acting under them to take all appropriate action to complete administrative processing and render a final adjudication

1 of Mr. Domirani's visa application within 30 days of the [c]ourt's order." (*Id.* at 7-8.)
2 Defendants move the court to dismiss this case, either because they have no
3 nondiscretionary duty to act after the consular officer refused Mr. Domirani's visa
4 application on March 7, 2023, or because Plaintiffs have not plausibly alleged that the
5 amount of time that has elapsed since the refusal is unreasonable. (*See generally* Mot.)

6 While reviewing the parties' briefing and accompanying documents, the court
7 visited the Visa Status Check page on the United States Department of State's Consular
8 Electronic Application Center and entered Mr. Domirani's identifying information. *See*
9 <http://ceac.state.gov/CEACStatTracker/Status.aspx?App=NIV> (last visited Mar. 12,
10 2024); (*see* Resp. (Dkt. # 8), Ex. A (screenshot of Mr. Domirani's visa status on or before
11 March 2, 2024, stating that "[a] U.S. consular officer has adjudicated and refused" Mr.
12 Domirani's visa application)). According to the Visa Status Check page, the consular
13 officer approved Mr. Domirani's visa application on March 12, 2024. The notice states,
14 however, that approval is "subject to final processing by the consular section" and that
15 "[w]hen that processing is complete, the status will change to 'Issued'."

16 In light of the approval of Mr. Domirani's visa application and Defendants' focus,
17 in their motion to dismiss, on the significance of their earlier refusal of Mr. Domirani's
18 application, the court ORDERS Defendants to show cause by no later than **March 19,**

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1 **2024**, why the court should not strike the pending motion to dismiss (Dkt. #7) without
2 prejudice. Failure to timely respond to this order will result in the motion being stricken.

3 Dated this 12th day of March, 2024.

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6 JAMES L. ROBART
7 United States District Judge
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